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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/116,785	07/16/1998	ROBERT G. HARRISON	4166-COM	2952

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EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 06/18/2003.

20

Please find below and/or attached an Office communication concerning this application or proceeding.

TM

Office Action Summary

Application No.

09/116,785

Applicant(s)

HARRISON ET AL.

Examiner

KIEU-OANH T BUI

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Prosecution Application

1. The request filed on 4/03/03 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/116,785 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 12, and 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Bertsch (U.S. Patent No. 5,570,085).

Regarding claim 1, Bertsch discloses a system comprising: an appliance operably connected to a power line, i.e., consumer devices 80A & 80B connected to a power line 54 (Fig. 1); "means for monitoring the performance of said appliance," i.e., means for monitoring the performance of consumer devices in unit 70 (col. 6/lines 9-11), "the appliance monitoring means including a power line modem operable connected to the power line," i.e., interfaces 70A & 70B are power line modems connected directly to the power line 54 using "hand shaking" technique in exchange information between devices (col. 4/line 49-col. 5/line 2, and col. 5/lines 45-52); and "means for transmitting data indicative of the status of said appliance from said monitoring means to a facility physically remote from the appliance and the appliance monitoring means," i.e., a monitoring system 90 is remote from the consumer devices and statuses of monitored appliances are delivered to this monitoring system (col. 9/lines 30-62 & col. 17/lines 60-65).

As for claim 2, in further view of claim 1 above, Bertsch further discloses the system “in which the means for monitoring said appliance comprises: a data processing and storage means,” i.e., data processing and storage means are addressed (col. 7/line 23 to col. 8/line 6); and means for transmitting data from said appliance to said data processing and storage means (col. 7/line 23 to col. 8/line 6).

As for claim 3, in further view of claim 2 above, Bertsch further discloses the system “in which the means for transmitting data from said appliance to said data processing and storage means comprises a modem and means connecting said modem to a power line servicing said appliance”, i.e., interfaces 70A & 70B are power line modems connected directly to the power line 54 using “hand shaking” technique in exchange information between devices for remotely controlling the home appliances (col. 4/line 49-col. 5/line 2, and col. 5/lines 45-52).

As for claim 4, in further view of claim 1 above, Bertsch further discloses the system “in which the means for transmitting information from said data processing and storage means to said facility comprises a phone modem”, i.e., a phone modem is included therein by using RS-232 serial protocol between interfaces and appliances or from interfaces to the monitoring system (Fig. 1, and col. 3/lines 18-28).

As for claim 5, in further view of claim 1 above, Bertsch further discloses the system “in which the means for monitoring the appliance comprises an integrated unit with multiple user-selectable modes of operation”, i.e., a media select mode element 380 handles this operation (col. 11/line 32 to col. 12/line 35).

As for claim 6, in further view of claim 5 above, Bertsch further suggests the system “in which one of said user-selectable modes is a DIAGNOSTIC mode, said integrated unit having the capability with said unit operating in the DIAGNOSTIC mode of displaying a message reporting the status of said appliance”, i.e., messages of diagnostic are addressed (col. 4/line 50

to col. 5/line 15) and the status or performance of appliances are displayed to the user (col. 6/lines 10-27, col. 9/lines 30-62 and col. 10/lines 35-50 for status information addressed).

Regarding claims 12 and 14, Bertsch discloses a system comprising: an appliance connected to a power line, i.e., a consumer device (Fig. 1/items 80A & 80B) connected to a power line 45 (Fig. 1); and an integrated unit for monitoring said appliance, i.e., a monitoring system 90 monitors the appliance or consumer devices (col. 17/lines 60-65) and said integrated unit having a power line modem connected to a power line, i.e., interfaces 70A & 70B are power line modems connected directly to the power line 54 using "hand shaking" technique in exchange information between devices (col. 4/line 49-col. 5/line 2, and col. 5/lines 45-52), said integrated unit comprising a screen and an appliance control and feedback interface operable connected to the appliance (Fig. 1 with two-way interaction between the monitoring unit and the consumer devices); said integrated unit having an operating system with the capability of powering up said integrated unit to display a message on said screen if a fault arises in said appliance, i.e., digital signal processor is addressed (col. 10/lines 35-50) for providing the operation as needed, and messages of problems are addressed (col. 4/line 50 to col. 5/line 15) and the status or performance of appliances are displayed to the user (col. 6/lines 10-27, col. 9/lines 30-62 and col. 10/lines 35-50 for status information addressed).

Regarding claims 15-16, these claims for "an appliance connected to a power line; and a monitoring unit operably connected to the said appliance via the power line, said appliance comprising a sensor for monitoring a parameter indicative of the performance of the said appliance; and said monitoring unit comprising: means for sampling the parameter available from said sensor at periodic intervals; means for storing said parameter in said monitoring unit; and means for comparing the stored parameter with reference data such that a problem associated with the appliance is identified if said appliance fails" are rejected for the reasons given in the scope of claims 1-6, 12, and 14 as already disclosed in details above.

Regarding claims 17-19, these claims for “a system which comprises: an appliance, a supervisory unit operably connected to the appliance; and means for transmitting to said supervisory unit status information on the appliance and for transmitting one of plurality of priorities associated with the status information; said supervisory unit comprising a screen and an operating system for displaying on said screen a message reflecting the status information of said appliance, the operating system displaying said message on said screen based upon said one of the priorities associated with the status information”, with a monitoring unit 90 acts as a supervisory unit for processing collecting data from interfaces 70A & 70B for consumer devices 80A & 80B (Fig. 1) depending on its priority such as exceptionally noisy or other conditions (col. 6/lines 9-27), are rejected for the reasons given in the scope of claims 1-6 and 9-11 as already disclosed in details above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertsch (U.S. Patent No. 5,570,085) in view of Humpleman et al. (U.S. Patent No. 6,243,707 B1).

Regarding claim 7, in further view of claim 5 above, Bertsch does not further disclose “in which: said integrated unit comprises a module comprising a player for a disc with laser readable data stored thereon; said integrated unit being operative in one of said multiple modes of operation to read data from said disc and communicate the retrieved data to a person using said integrated unit” as claimed; however, in the same field of endeavor, Humpleman teaches an exact same technique of including a player for a disc with laser readable data stored therein (either a laser disc or a DVD player) within a monitoring system for home appliances; in other words, using Internet and Internet technology to monitor and control home appliances including a DVD or DVCR for storing data thereon (Figs. 1 & 6-8; col. 4/lines 17-67 and col. 5/line 60 to col. 6/line 50; col. 20/lines 58-67 for recording a program remotely via the Internet). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bertsch’s remote monitoring system of home appliances with Humpleman’s teaching technique of further including a laser disc player, i.e., or a DVD or a DVCR, to the mentioned integrated unit in order for the user to browse video, audio, and for recording a desired program remotely via the Internet as suggested by Humpleman.

As for claim 8, in further view of claims 5 and 7 above, Humpleman further discloses “in which said integrated unit has a screen and an INTERNET mode of operation in which a user-actuable means is available to establish a connection to the Internet, said integrated unit having means thereafter displaying information obtained from an Internet site on said screen”, i.e., television or cable television and Internet related data are incorporated for displaying on the display screen as desired (col. 4/lines 17-67 & col. 6/line 44 to col. 7/line 10 as DTV uses Internet for browsing and displaying data on the television screen).

As for claim 20, in further view of claims 7-8 above, Humpleman further reveals the priority associated with the status information displaying to the user's television screen by using command interorder in arranging actions in a macro file for doing steps in a proper order (see Fig. 16, and col. 22/lines 19-39).

6. Claims 9-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertsch, as for claims 1-5 above, and in view of Jeon et al. (U.S. Patent No. 5,822,012/ or "Jeon").

As for claim 9, in further view of claim 5 above, Bertsch does show to include a monitoring system 90 but does not address to include a TV receiver; however, in a same environment, Jeon uses a digital television receiver for monitoring home automation apparatus as Jeon reveals the system "in which said integrated unit comprises a television with a screen; said system further comprising a user-actuable means for selecting operation of said system in a television viewing mode", i.e., a display 30 is a television screen (Fig. 1/item 30 and col. 1/lines 25-41) and the user can select to view the television viewing mode as he/she normally does (see col. 3/lines 25-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bertsch's computer monitoring system with a television screen as disclosed by Jeon. The motivation for doing this is for remotely controlling various devices within the home using the existing TV receiver as suggested by Jeon (col. 1/lines 22-27).

As for claim 10, in further view of claims 5 and 9 above, Jeon further discloses the system "which comprises a remote control for selecting an operating mode of said integrated unit, said remote control having a separate, dedicated control for selecting each operating mode of said appliance", i.e., an input device 110 is used or a remote control (not shown, col. 3/lines 50-65) for remotely controlling the operation of the integrated unit (Fig. 1/item 110, and col. 2/lines 58-67).

As for claim 11, in further view of claims 5 and 9 above, Jeon further discloses the system “in which said integrated unit is so constructed that, when operation of said unit is switched from one of said modes to a different mode, operation of said integrated unit in said one mode will resume at the point where operation of the integrated unit in said one mode was interrupted” because the statuses from the appliances around the home are displaying on the screen by the input commands from the user; therefore, while he is watching a television program, he can check the status of a certain appliance, and then he can go back to the program he is watching on (col. 3/lines 50-65).

As for claim 13, Bertsch discloses “a system which comprises: means for monitoring the performance of an appliance connected to a power line; said appliance monitoring means including a power line modem operably connected to the power line” (claim 1 above) but not “means operable if a fault in the operation of said system occurs for communicating the existence and nature of said fault to a service or repair facility remote from said appliance”; however, Jeon teaches that, for instance, abnormal situation occurs, and the monitoring system will report the situation to a facility such as a fire department remote from the appliance for curing the fire, if any, for fixing the problem (col. 3/lines 1-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bertsch’s monitoring system with additional means for notifying a service or repair facility outside of the monitoring system in case of emergency as needed.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Durdik (US Patent 5,072,370), Carr et al (US Patent 4,644,320), Hollenberg (US Patent 5,694,335) and Bertsch (US Patent 5,938,757) disclose some home automation systems using power line modem.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Krista Bui
Art Unit 2611
June 03, 2003


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600